

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA	:	Case No. 3:09-cr-161 Also Case No. 3:16-cv-332
Plaintiff,	:	Judge Thomas M. Rose Magistrate Judge Michael R. Merz
v.	:	
JOHNNY WILKERSON,	:	
Defendant.	:	

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**ORDER ADOPTING SUPPLMENTAL REPORT AND  
RECOMMENDATIONS (Doc. 26) AND REPORT AND  
RECOMMENDATIONS (Doc. 23)**

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The Court has reviewed the Supplemental Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. 26), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby ADOPTS said Supplemental Report and Recommendations (Doc. 26) filed August 31, 2016 and Report and Recommendations (Doc. 23) filed August 9, 2016 .

Accordingly, it is hereby ORDERED that the Defendant's Motion to Vacate (ECF No. 22) is DISMISSED with prejudice. Defendant is DENIED any requested certificate of appealability and the Court hereby certifies to the United States Court of Appeals that an appeal would be objectively frivolous and therefore should not be permitted to proceed in forma pauperis.

It is also ORDERED that Defendant's request that this case be stayed pending the Supreme Court's decision in *Beckles v. United States*, 616 Fed. Appx. 415 (11th Cir. Sept. 29, 2015), cert granted, 2016 U.S. LEXIS 4142 Case No. 15-8544 (June 27, 2016) is DENIED. September 27, 2016.

\*s/THOMAS M. ROSE

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Thomas M. Rose  
United States District Judge